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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,200	12/28/2004	Antoine Bassompierre	W51.12-0015	3476

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EXAMINER

PHAM, TUAN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/501,200	BASSOMPIERE ET AL.	
	Examiner	Art Unit	
	TUAN A. PHAM	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/28/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/28/2004 has been considered by Examiner and made of record in the application file.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 4, 9, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Jou (U.S. Patent No.: 6,925,067, hereinafter, "Jou").

Regarding claim 1, and 12-14, Jou teaches a method and transmission device for management of communication in a communication network comprising at least one transmission device (read on base station)(see figure 4, base station 30) and at least one terminal (read on mobile)(see figure 4, mobile 40) adapted to receiving data from the said at least one transmission device wherein the method comprises: setting up a communication between one of the said transmission devices called the transmission device, and one of the said terminals called the receiving terminal, using a first communication mode based on a single carrier modulation (see figure 4, figure 7, col.11, ln.54-67); and changeover to a second communication mode using a multiple carrier modulation, a communication channel using the said multiple carrier modulation being assigned to the communication between the said transmission device and the said receiving terminal (see figure 4, figure 7, col.11, ln.54-67); the first and second communication modes being implemented successively and alternately (see figure 4, figure 7, col.11, ln.54-67).

Regarding claim 4, Jou further teaches said first communication mode is adapted to carrying out operations for management of setting up, maintaining, and closing of a communication between the transmission device and the receiving terminal (see col.5, ln.30-40, col.11, ln.54-67).

Regarding claim 9, Jou further teaches said second communication mode is adapted to transmitting data at high speed between the said transmission device and the said reception terminal (see col.8, ln.21-41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 2-3, 5-7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jou (U.S. Patent No.: 6,925,067, hereinafter, "Jou") in view of Alard (U.S. Patent No.: 6,584,068).**

Regarding claim 2, Jou teaches a method and transmission device for management of communication in a communication network comprising at least one

transmission device (read on base station)(see figure 4, base station 30) and at least one terminal (read on mobile)(see figure 4, mobile 40) adapted to receiving data from the said at least one transmission device wherein the method comprises: setting up a communication between one of the said transmission devices called the transmission device, and one of the said terminals called the receiving terminal, using a first communication mode based on a single carrier modulation (see figure 4, figure 7, col.11, ln.54-67); and changeover to a second communication mode using a multiple carrier modulation, a communication channel using the said multiple carrier modulation being assigned to the communication between the said transmission device and the said receiving terminal (see figure 4, figure 7, col.11, ln.54-67); the first and second communication modes being implemented successively and alternately (see figure 4, figure 7, col.11, ln.54-67).

It should be noticed that Jou fails to teach said multiple carrier modulation is an OFDM type modulation with a guard interval. However, Alard teaches such features (see col.4, ln.27-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Alard into view of Jou in order to limited the interference as suggested by Alard at column 4, lines 62-67.

Regarding claim 3, Alard teaches said multiple carrier modulation is an IOTA type modulation (see col.8, ln.25-32).

Regarding claim 5, Alard teaches said communication network is a mobile communication network (UMTS) (see col.1, ln.47-50).

Regarding claim 6, Jou teaches said first communication mode uses at least one common channel that is intended to all the terminals managed by the said transmission device (see col.10, ln.16-26).

Regarding claim 7, Jou teaches said first communication mode uses at least one access channel type downlink common channel, enabling the said changeover to the said second communication mode (see col.11, ln.54-67).

Regarding claim 11, Jou teaches the said transmission device is a base station in a cellular communication network (see figure 4).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jou (U.S. Patent No.: 6,925,067, hereinafter, "Jou") in view of Bohnke (U.S. Patent No.: 6,567,383).

Regarding claim 8, Jou teaches a method and transmission device for management of communication in a communication network comprising at least one transmission device (read on base station)(see figure 4, base station 30) and at least one terminal (read on mobile)(see figure 4, mobile 40) adapted to receiving data from the said at least one transmission device wherein the method comprises: setting up a communication between one of the said transmission devices called the transmission device, and one of the said terminals called the receiving terminal, using a first communication mode based on a single carrier modulation (see figure 4, figure 7, col.11, ln.54-67); and changeover to a second communication mode using a multiple carrier modulation, a communication channel using the said multiple carrier modulation

being assigned to the communication between the said transmission device and the said receiving terminal (see figure 4, figure 7, col.11, ln.54-67); the first and second communication modes being implemented successively and alternately (see figure 4, figure 7, col.11, ln.54-67).

It should be noticed that Jou fails to teach said first communication mode uses at least one uplink common channel (RACH) to acknowledge data transmitted correctly to the said reception terminal when the second communication mode is being used. However, Bohnke teaches such features (see col.7, ln.26-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bohnke into view of Jou in order to transmit the data by using the uplink channel.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jou (U.S. Patent No.: 6,925,067, hereinafter, "Jou") in view of Dolgonos et al. (Pub. No.: US 2002/0147978, hereinafter, "Dolgonos").

Regarding claim 10, Jou teaches a method and transmission device for management of communication in a communication network comprising at least one transmission device (read on base station)(see figure 4, base station 30) and at least one terminal (read on mobile)(see figure 4, mobile 40) adapted to receiving data from the said at least one transmission device wherein the method comprises: setting up a communication between one of the said transmission devices called the transmission device, and one of the said terminals called the receiving terminal, using a first

communication mode based on a single carrier modulation (see figure 4, figure 7, col.11, ln.54-67); and changeover to a second communication mode using a multiple carrier modulation, a communication channel using the said multiple carrier modulation being assigned to the communication between the said transmission device and the said receiving terminal (see figure 4, figure 7, col.11, ln.54-67); the first and second communication modes being implemented successively and alternately (see figure 4, figure 7, col.11, ln.54-67).

It should be noticed that Jou fails to teach said second communication mode is adapted to transmitting Internet type data to the said reception terminal. However, Dolgonos teaches such features (see [0008]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dolgonos into view of Jou in order to transmit the high speed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Silventoinen et al. (U.S. Patent No. 6,594,250), Yoon et al. (U.S. Patent No. 6,834,047), Kim et al. (U.S. Patent No. 6,944,149), and Chen et al. (U.S. Patent No. 6,535,739) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

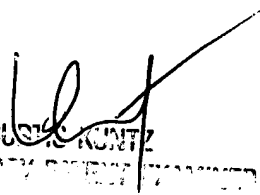
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

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Art Unit 2643
November 22, 2005
Examiner

Tuan Pham


CURTIS KUNTZ
SUPERVISOR, ELECTRONIC BUSINESS CENTER